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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 74060	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/SE2004/000308	International filing date (day/month/year) 04.03.2004	Priority date (day/month/year) 04.03.2004
International Patent Classification (IPC) or national classification and IPC INV. D21H27/30		
Applicant SCA HYGIENE PRODUCTS AB et al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 12.09.2005	Date of completion of this report 18.04.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Hindia, E Telephone No. +49 89 2399-8492	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/SE2004/000308

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-11 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/2, 2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify):*
- ☐ any table(s) related to sequence listing *(specify):*

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify):*
- ☐ any table(s) related to sequence listing *(specify):*

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4-7,9-11
	No: Claims	1-3,8
Inventive step (IS)	Yes: Claims	4-7,9,11
	No: Claims	1-3,8
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Item V

Reasoned statement under Article 35(2) PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents from the International Search Report have been considered for the purposes of this report:

D1: EP-A-1216818; D2: GB-A-2376436

2. **Novelty**

- 2.1 D1 discloses a multi-ply tissue web comprising a first ply and at least a second ply, wherein the first ply comprises a pattern, in which one side of the ply comprises protrusions outside the plane of this ply in a direction towards the second ply. The tissue web is used for toilet paper or as a kitchen wiper. D1 also discloses a method for producing the tissue web, comprising the steps of embossing a first ply tissue web, marrying this tissue web and a second ply tissue web into a married tissue web and simultaneously mechanically perforating the second tissue web with a spiked roll so that spikes extend through both tissue webs and form a ply-bonding and discharging the married tissue web (see in D1 the respective passages as cited in the International Search Report).

D2 discloses a multi-ply tissue paper comprising a first ply comprising a micro-embossing pattern with first protuberances, a second ply with a second micro-embossing pattern with second protuberances and a middle ply sandwiched between the first outer ply and the second outer ply with a third embossing pattern with third protuberances and wherein the three embossed plies of paper are ply bonded together. The multi-ply paper has softness, an improved feel, good mechanical strength and the desired absorption properties. D2 also discloses a method of producing the multi-ply tissue paper comprising the steps of embossing a first outer ply, with a first micro-embossing pattern, embossing a second outer ply with a second micro-embossing pattern, embossing a middle ply with a third embossing pattern and combining together the three plies by providing a separate mechanical ply bonding of all three plies using exclusively a mechanical ply bonding technique without the use of an adhesive (see in D2 the respective passages as cited in the International Search Report). Thus, the teaching of these documents is novelty-destroying for the subject-matter of present claim 1 and of independent claim 8 and the claims do not comply with the requirements of

Article 33(2) PCT. The combinations of features in dependent claims 2 and 3 are either known from or rendered obvious by the general teaching of D1 and D2 and seem to be features within the scope of the customary practice followed by persons skilled in the art.

- 2.2 Having regard to the prior art documents cited in the International Search Report, the subject-matter of claims 4-7 and 9-11 appears to be novel, since a tissue paper and a method as defined in these claims, having the particular combination of product or method features as specified are not disclosed in the available prior art. Thus, the subject-matter of these claims is considered to be novel and therefore the claims meet the requirements of Article 33 (2) PCT.

3. Inventive Step

- 3.1 The subject-matter of claims 1-3 and 8 does not involve an inventive step, since the tissue paper and the method as defined are already known from prior art documents D1 and D2, as set out in section 2.1 above.
- 3.2 However, present claims 4-7 and 9-11 comply with the requirements of Article 33(3) PCT for the following reasons:
The problem addressed by the present application is to provide an improved tissue paper with increased absorption capacity, increased bulk and good stability in wet condition and a method of producing the same. The problem has been solved by the tissue paper and the method as defined in claims 4-7 and 9-11, respectively. There are no doubts that the indicated problem has been solved by the claimed tissue paper/method having regard to the disclosure of the international application. The solution offered to the problem posed above cannot be derived in an obvious manner from a reading of the closest prior art document D2 dealing with the problem of providing a multi-ply paper having softness, an improved feel, good mechanical strength and the desired absorption properties and a method of producing the same, since D2 does neither disclose nor suggest the particular combination of product/method features in claims 4-7 and 9-11, respectively, to solve the above-mentioned problem posed in the application. Therefore, these claims involve an inventive step (Article 33 (3) PCT).
4. The subject-matter of claims 1-11 comply with the requirements of Article 33 (4) PCT (industrial applicability).

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

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Item VII

Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The application does not meet the requirements of Rule 5.1(a)(ii) PCT, since documents D1 and D2 which represent relevant prior art are not identified in the description and the relevant background art disclosed therein is not briefly discussed.